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In The U.S. District Court Alabama Middle District (Montgomery)  
Civil Docket for Case No. 2:06-cv-00985-WKW-TFM


Pierce v. American General Finance, Inc and others

AFFIDAVIT OF ATHEAL PIERCE

COMES NOW affiant, Atheal Pierce, who after being <sup>\*</sup>duly sworn under oath, deposes and states that the following facts are within his personal knowledge, and that if called as a witness he could testify competently thereto:

1. I filed the pending lawsuit on October 30, 2006 and paid the filing fee on October 31, 2006.
2. I sued American General Finance, Incorporated, a corporation located in Evansville, Indiana.
3. I received a threatening letter from Mr. David A. Elliott even though it is clear that my lawsuit informs all concerned that the suit is due to be amended. The threatening letter did not ask nor request that Pierce submit to binding arbitration.
4. As the whole wide world can see, Mr. David A. Elliott's motion is dealing with something other than the pleadings and the amended notice filed by Pierce.
5. Mr. David A. Elliott cites cases actually filed by American General Finance, Incorporated in the face of arbitration. In the face of the fact that Pierce long ago [ September 2005 ] sought arbitration. See exhibit 3.
6. In fact, Mr. David A. Elliott helps the potential or likely hood of Pierce's success by citing state case but failing to show cause as to why arbitration has been ignored when it comes to Pierce and the rights of Pierce.
7. Mr. David Elliott does not know what's actually going on in this matter and he has made a misstatement of law and fact about the seriousness of the cause of action due to be amended by Pierce.

*\* Stated under penalty of perjury.*



Respectfully submitted:  
112 Knollwood Blvd.  
Montgomery, Alabama 36117

Certificate of service

I hereby certify that I have served a copy of the foregoing document  
by U.S. Mail on this the 23<sup>rd</sup> day of April, 2007:

Mr. David A. Elliott  
420 North 20th Street  
3100 Wachovia Tower  
Birmingham, Alabama 35203

s/Atheal Pierce *A.P.*